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IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

JEFFREY D. ALBRIGHT, NORMAN T.  
BOIRE, GARY M. DIETZ, WILLIAM H.  
ERDMAN, MICHAEL W. FRITZ,  
A. RONALD FROMBAUGH, RALPH A.  
HARRIS, ALLEN W. LANDIS, LOWELL  
MCGUIRE, WALTER R. MINICH,  
RAYMOND C. NEVINS, STANLEY L. NYE,  
VINCENT RAMIREZ, JR., KEITH E.  
SCRIGNOLI, RAY G. SNYDER, JR., and  
LAWRENCE D. WELKER,

Plaintiffs

v.

DANIEL A. VIRTUE, Business Agent of the  
International Brotherhood of Teamsters;  
INTERNATIONAL BROTHERHOOD OF  
TEAMSTERS; LOCAL 776, INTERNATIONAL  
BROTHERHOOD OF TEAMSTERS; ABF  
FREIGHT SYSTEM, INCORPORATED,

Defendants

Case No. 1:CV-00-878

Judge Sylvia H. Rambo

FILED  
HARRISBURG, PA

DEC 11 2002

MARY E. D'ANDREA, CL

Per

**MOTION FOR EXTENSION OF TIME TO RESPOND TO**  
**SUMMARY JUDGMENT FILED**  
**BY THE DEFENDANT**

Plaintiff, by his attorney, Robert S. Mirin, of Ahmad & Mirin, in the above matter and herewith respectfully request additional time to file a response to the two (2) Motions for Summary Judgments filed by the Defendants, from December 11 & 12, 2002 respectively until January 11, 2002 and to adjust all other remaining dates as set in the joint case management plan:

1. On or about November 21, 2002 the Defendants, ABF FREIGHT SYSTEM, INCORPORATED filed a Motion for Summary Judgment, which was received on November 23, 2002.
2. On or about November 22, 2002 the Defendants, Daniel Virtue, the International Brotherhood of Teamsters, and the International Brotherhood of Teamsters Local Union No. 776, filed a Motion for Summary Judgment, which was received on November 25, 2002.

3. On Wednesday November 27, 2002 the Law Offices of Ahmad & Mirin began the process of relocating from 8150 Derry Street, Harrisburg, PA to 2515 N. Front Street, Harrisburg, PA. On Sunday, December 1, 2002 Mr. Ahmad's Uncle died suddenly. Thus, between that time and December 8, 2002, Mr. Ahmad was in Washington, D.C. assisting his Aunt with family affairs. Furthermore, the phone system and fax machine were not operational until Tuesday, December 3, 2002 and due to unforeseen technical difficulties only one (1) computer was running at a limited capacity until Friday December 6, 2002.

4. As of the present time, counsel's staff, with one exception, do not have completed work stations and Counsel did not receive office furniture until Saturday, December 7, 2002. Said furniture, due to its weight will be placed in the office on Tuesday, December 10, 2002.

5. Plaintiff's Counsel is the only attorney familiar with this case and the partner responsible for the move.

6. Furthermore, due to the Thanksgiving Holiday the office was closed Thursday, November 28, 2002 through Sunday, December 1, 2002 and then due to increment weather the office was again closed on Thursday, December 5, 2002.

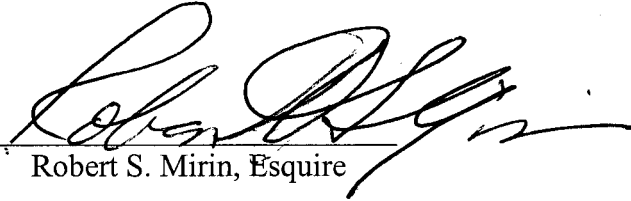
7. In addition, all sixteen (16) plaintiffs are all long haul truck drivers, who travel over-the-road and have extremely limited availability for consultation and statement preparation in connection with the response.

8. Furthermore, the plaintiff's counsel has two additional records and briefs pending in the cases of; *Sam Miller v. Federal Bureau of Prisons* and *Bechtel v. Daniel A. Virtue, et al* in the Third Circuit.

9. Plaintiff's counsel has been in contact with the Defendant's counsel, Robyn Weiss, Esquire and Jason Wienstock, Esquire, and their non-concurrence is due to the concern with the current Court deadlines.

**WHEREFORE**, the Plaintiff respectfully requests that this Court grant until January 11, 2002 to file a response to the two (2) Motions for Summary Judgment filed by the Defendants. In addition, the Plaintiff respectfully requests that this Court adjust all other remaining dates as set in the joint case management plan.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Robert S. Mirin', is written over a horizontal line. The signature is stylized with large, flowing loops and a long horizontal stroke extending to the right.

Robert S. Mirin, Esquire

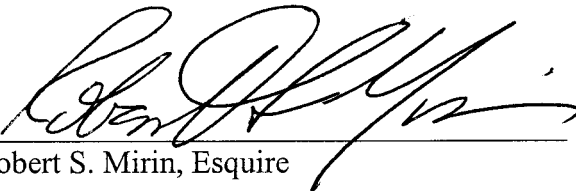
**CERTIFICATE OF SERVICE**

I, Robert S. Mirin, do hereby certify that on the \_\_\_\_\_ day of December, 2002, I did forward a copy of the foregoing Motion to the following person(s) and in the following manner:

VIA FIRST-CLASS MAIL, POSTAGE PREPAID:

Jason Weinstock, Esquire  
**Ira H. Weinstock, P.C.**  
800 N. Second St., Suite 100  
Harrisburg, PA 17102

Robyn Weiss, Esquire  
**Morgan, Lewis & Bockius**  
1111 Pennsylvania Avenue, NW  
Washington D.C. 20004

  
Robert S. Mirin, Esquire

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DANIEL A. VIRTUE, Business Agent of the )  
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TEAMSTERS; LOCAL 776, INTERNATIONAL )  
BROTHERHOOD OF TEAMSTERS; ABF )  
FREIGHT SYSTEM, INCORPORATED, )

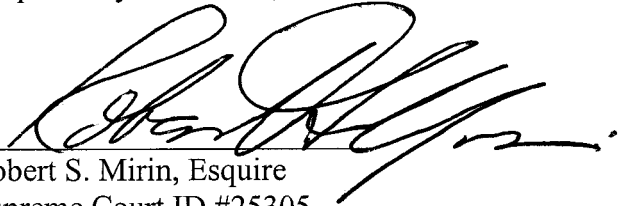
Defendants

Case No. 1:CV-00-878  
Judge Sylvia H. Rambo

**CERTIFICATE OF NON-CONCURRENCE:**

Pursuant to the requirements of the local rule 7.1 of this Court; it is hereby certified that Plaintiff's counsel has contacted Jason Weinstock, Esquire and Robyn Weiss, Esquire, and they do not concur in this request, their non-concurrence is due to the concern with the current Court deadlines.

Respectfully Submitted,

  
Robert S. Mirin, Esquire  
Supreme Court ID #25305  
AHMAD & MIRIN  
2515 N. Front Street  
Harrisburg, PA 17110  
(717) 909-4343